

George F. Ogilvie III, Esq. (NSBN 3552)
 John A. Fortin, Esq. (NSBN 15221)
 McDONALD CARANO LLP
 2300 West Sahara Avenue, Suite 1200
 Las Vegas, Nevada 89102
 T: (702) 873-4100
 F: (702) 873-9966
gogilvie@mcdonaldcarano.com
jfortin@mcdonaldcarano.com

Attorneys for Keller Williams Realty, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERIK MENDOZA and JACK LeVINE;
 individually and on behalf of all others
 similarly situated;

Plaintiffs,

vs.

KELLER WILLIAMS REALTY, INC.; a
 Texas Corporation; DOE DEFENDANTS 1
 through 10; and ROE DOE DEFENDANTS 1
 through 10;

Defendants.

Case No.: 2:24-cv-00692-RFB-EJY

**STIPULATION AND ORDER TO
 EXTEND DEADLINE FOR
 DEFENDANT KELLER WILLIAMS
 REALTY, INC., TO FILE A
 RESPONSIVE PLEADING**

(FIRST REQUEST)

Plaintiffs Eric Mendoza and Jack LeVine ("Plaintiffs") and Defendant Keller Williams Realty, Inc. ("Defendant") jointly stipulate and make this first request an extension of the deadline for Defendant to file a responsive pleading to Plaintiffs' Class Action Complaint ("Complaint") in the above-captioned lawsuit. The current deadline for Defendant to file a responsive pleading is June 11, 2024, and the requested extension is thirty (30) days to July 10, 2024. Good cause exists for this extension due to recent factual developments related to the Profit Share Program that have happened since this lawsuit was filed, and the Parties' productive discussions towards a resolution of this matter. There are 14 nearly identical cases that have been filed across the country¹ by former

¹ Other similar cases pending in federal courts across the country: *Moulder v. KWRI*, 5:24-cv-00292-JKP-ESC (W.D. TX); *Hill v. KWRI*, 4:24-cv-00447-EFM-BGS (D. Kan); *Ortiz v. KWRI*, 1:24-cv-00838-GPG-KAS (D. Col); *Bueker v. KWRI*, 4:24-cv-00447-CDP (E.D. MO); *Zebley v. KWRI*, 1:24-

sales associates related to amendments made by the Keller Williams International Associate Leadership Council (“IALC”) on August 16, 2023, to the Profit Sharing Program. After this lawsuit was filed, on May 16, 2024, the IALC voted to rescind the portion of the August 2023 amendment that spurred Plaintiffs’ claims.

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

cv-00400-UNA (D. Del); *Alper v. KWRI*, 2:24-cv-02540-LGS (S.D. NY); *Caudill v. KWRI*, 2:24-cv-00120 (N.D. Ind.); *Fordyce v. KWRI*, 2:24-cv-01342 (E.D. PA); *Davis v. KWRI*, 2:24-cv-00736-MTL(D. Ariz); *Exnicios v. KWRI*, 2:24-cv-935-JCZ-MBN (E.D. La); *Devlin & MD Group, LLC v. KWRI*, 5:24-cv-02332-VKD (N.D. Cal); *Ronayne v. KWRI*, 2:24-cv-11103-BRM-EAS (E.D. MI); *McFarlane v. KWRI*, 2:24-cv-00152-LEW (D. ME). The *Mitchell v. KLC San Diego Enterprises, Inc., et. al*, 3:24-cv-00647-CAB-MMP (S.D. Cal) appears to have been filed by different plaintiff’s counsel unaffiliated with Mr. Mendoza’s counsel.

Since the May 16, 2024 vote to rescind the complained of amendment to the Profit Share Program, the Parties have been actively engaged in discussions that could resolve this lawsuit in its entirety. Accordingly, in order to preserve judicial resources of this Court, and the resources of the Parties, the Parties stipulate, agree, and respectfully request that the Court grant an extension of Defendant's deadline to file a responsive pleading until July 10, 2024, to provide an opportunity for the Parties to continue working towards a resolution of this matter.

DATED this 7th day of June, 2024.

MUSHKIN & COPPEDGE

McDONALD CARANO LLP

By: /s/ Michael R. Mushkin

By: /s/ George F. Ogilvie

Michael R. Mushkin (NSBN 2421)
L. Joe Coppedge (NSBN 4954)
6070 S. Eastern Avenue | Suite 270
Las Vegas, Nevada 89119

George F. Ogilvie III, (NSBN 3552)
John A. Fortin (NSBN 15221)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Attorneys for Plaintiff

Attorneys for Keller Williams Realty, Inc.

HUMPHREY, FARRINGTON &
MCCLAIN

By: /s/ Kevin D. Stanley

Kenneth McClain *admitted pro hac vice*
Jonathan Soper *admitted pro hac vice*
Kevin D. Stanley *admitted pro hac vice*
221 West Lexington Ave | Suite 400
Independence Missouri 64051

Attorneys for Plaintiff

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: June 7, 2024

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966